

MEMORANDUM OF UNDERSTANDING

JAN 21 1997

This Memorandum of Understanding ("MOU") is entered into by and between the parties Martin A. Berres ("Berres") and the Arizona Department of Insurance ("Department").

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WHEREAS, on or about February 9, 1996, Berres filed an application for a life and disability insurance agent's license with the Department.

WHEREAS, on or about August 6, 1996, the Department denied Berres's application for an insurance license.

WHEREAS, on or about August 8, 1996, Berres demanded an administrative hearing to contest the Department's denial.

WHEREAS, on or about August 19, 1996, the Department issued a Notice of Hearing, In the Matter of Martin A. Berres, Docket No. 96A-135-INS.

WHEREAS, an administrative hearing has been scheduled on October 29, 1996, at the Office of Administrative Hearings concerning the above-referenced matter (Docket No. 96A-135-INS)

WHEREAS, the parties Martin A. Berres and the Arizona Department of Insurance mutually desire to settle and resolve this matter.

NOW, THEREFORE, in consideration of performance of the mutual obligations set forth herein, the undersigned parties hereby agree as follows:

1. Berres agrees that:

A. He shall withdraw his application for an insurance agent's license (see attached Exhibit A) and that he shall also withdraw his demand for an administrative hearing (see attached Exhibit B).

B. He shall never apply for an insurance license in the state of Arizona in his individual capacity.

C. He shall never be any director or officer, nor shall he hold an ownership interest in, or exercise control of, any firm, corporation or entity that applies for an insurance license in the state of Arizona.

D. He shall never be any director or officer, nor shall he hold an ownership interest in, or exercise control of, any firm, corporation or entity that is then licensed with the Arizona Department of Insurance, for which such firm, corporation or entity would be required to identify Berres in such capacity on its insurance application or an amendment thereof.

Please scan as:

Berres, Martin A.

96A-135-INS

2. The Department agrees that, concurrent with Berres's performance of the above obligations specified in paragraph 1(A), it will withdraw its denial of Berres's application for an insurance agent's license (see attached Exhibit C).

3. This Memorandum of Understanding together with the attached exhibits constitute the entire agreement of the parties in connection with the matters set forth therein.

4. This Memorandum of Understanding may not be modified except by a writing signed by all parties.

Date: 1/23/97

Charles C. C.  
Deputy Director, Arizona  
Department of Insurance

Date: 12/26/96

Martin A. Berres  
Martin A. Berres

APPROVED AS TO FORM AND CONTENT:

GRANT WOODS, Attorney General

By Michael J. De La Cruz  
Michael J. De La Cruz  
Assistant Attorney General  
Consumer Protection & Advocacy  
Section  
Attorneys for the Director

By Martin A. Berres  
Martin A. Berres

EXHIBIT "A"

I, Martin A. Berres, hereby withdraw my application for an insurance agent's license originally filed with the Arizona Department Of Insurance on February 9, 1996.

Date: 12/26/96

Martin A. Berres  
Martin A. Berres

EXHIBIT "B"

I, Martin A. Berres, hereby withdraw my demand for an administrative hearing as filed with the Arizona Department of Insurance on August 8, 1996, and agree that the Arizona Department of Insurance may request that the hearing scheduled in Docket No. 96A-135-INS be vacated on the basis of this withdrawal.

Date: 12/26/96

Mart A Berres  
Martin A. Berres

EXHIBIT "C"

Based upon Martin A. Berres's withdrawal of his application for an insurance agent's license originally filed on February 9, 1996, the Arizona Department of Insurance, hereby withdraws its August 6, 1996 denial of Berres's application for an insurance agent's license.

Date: \_\_\_\_\_

1/23/97

*for* Charles C. C. C., DEP. DIR.  
Director, Arizona Department  
of Insurance